IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3712 of 2007()

CRIME NO. 232/04 OF AMBALAPUZHA POLICE STATION
CC.69/2005 of J.M.F.C.,AMBALAPUZHA

.....

PETITIONER/IST ACCUSED

ABDUL MAJEED, S/O.LEON, AGED 48
YEARS, ILANJITHARAYIL VEEDU, WARD NO.3,
PURAKADUPANCHAYATH, AMBALAPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
AMBALAPPUZHA POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRO. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 3712 of 2007

- -

Dated this the 20th day of June, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations, inter alia, under Sections 420 and 468 I.P.C. Cognizance has been taken on the basis of the final report submitted by the police. The F.I.R. was registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. The petitioner is employed abroad. He was blissfully ignorant about the proceedings initiated against him. In these circumstances he could not appear before the learned Magistrate. He is returning to India. He now finds a warrant of arrest issued by the learned Magistrate chasing him. He wants to surrender before the learned Magistrate. He apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances prayed that appropriate directions may be issued to release the petitioner on bail on the date of surrender itself.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner when he surrenders before the learned Magistrate, on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This application is accordingly dismissed. I may however hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

tm